

# **EXHIBIT G**

**From:** Beth Garvey <[Beth.Garvey@exec.ny.gov](mailto:Beth.Garvey@exec.ny.gov)>  
**Sent:** Thursday, April 22, 2021 2:52 PM  
**To:** 'Robert Odawi Porter' <[rob@odawilaw.com](mailto:rob@odawilaw.com)>; Robert Williams (gaming.ny.gov) <[robert.williams@gaming.ny.gov](mailto:robert.williams@gaming.ny.gov)>  
**Cc:** Michele Mitchell <[michele.mitchell@sni.org](mailto:michele.mitchell@sni.org)>; Robert F Mujica (budget.ny.gov) <[robert.mujica@budget.ny.gov](mailto:robert.mujica@budget.ny.gov)>  
**Subject:** External: RE: Update on State's response to Nation's request?

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We do not agree with the significance of the letter, in fact, we do not think it will ultimately result in any change in the circumstances between the parties. This strikes us as more a diversionary tactic, that is not likely to do anything than continue the stasis that we have found ourselves in.

The Seneca Nation and the State negotiated the underlying gaming compact between 1999 and 2002, went through an extensive consideration process with the U.S. Department of the Interior, and, for the dispute at hand, participated in an arbitration, the resolution process specifically selected by the parties to resolve disputes. At the conclusion of the arbitration which the Seneca Nation lost, the Seneca Nation filed a lawsuit seeking to vacate the decision. The Nation's request was denied by the U.S. District Court for the Western District of New York in November 2019. Seneca Nation of Indians v. New York, 420 F Supp 3d 89 [WDNY 2019]. This decision was upheld by the U.S. Court of Appeals for the Second Circuit in February 2021. Seneca Nation of Indians v. New York, 988 F3d 618 [2d Cir 2021].

I respectfully ask the Seneca Nation to consider our offer, which I am sending under separate cover to Michele, and resolve this matter so that we can both appropriately focus on our shared future.

Beth Garvey  
Acting Counsel to the Governor  
518-474-8343

**From:** Robert Odawi Porter <[rob@odawilaw.com](mailto:rob@odawilaw.com)>  
**Sent:** Thursday, April 22, 2021 2:16 PM  
**To:** Robert Williams (gaming.ny.gov) <[robert.williams@gaming.ny.gov](mailto:robert.williams@gaming.ny.gov)>; Beth Garvey <[Beth.Garvey@exec.ny.gov](mailto:Beth.Garvey@exec.ny.gov)>  
**Cc:** Michele Mitchell <[michele.mitchell@sni.org](mailto:michele.mitchell@sni.org)>  
**Subject:** Update on State's response to Nation's request?

Greetings Rob and Ms. Garvey:

I am following-up on President Pagel's letter to Governor Cuomo of Monday. I write to ask whether the State has arrived at any position regarding the Nation's request that, in light of the Interior Department's April 15, 2021 letter, we jointly submit to the Department for review the legality of renewal period payments under the Department's established standards for assessing the same.

Given the significance of the Department's letter, we do not feel comfortable keeping its contents from the District Court. We seek to accurately describe the State's position to the Court, which might include that the State has not yet arrived at a final determination as to whether it will cooperate in a submission to Interior.

Please let me know by the end of the day today where the State stands.

Thank you, Rob Porter

## ROBERT ODAWI PORTER



8013 East Loop Road  
P.O. Box 444  
Jimersontown, Seneca Nation (NY) 14779  
E: [rob@odawilaw.com](mailto:rob@odawilaw.com)  
M: (202) 308-3522  
W: [www.odawilawpllc.com](http://www.odawilawpllc.com)

Admitted to practice in the Seneca Nation of Indians and the  
United States of America (CT, NY, DC)



**ATTORNEY-CLIENT PRIVILEGED COMMUNICATION: THIS MESSAGE IS A CONFIDENTIAL ATTORNEY COMMUNICATION ONLY FOR USE BY THE INTENDED RECIPIENT. ANY INADVERTENT RECEIPT SHALL NOT CONSTITUTE A WAIVER OF ATTORNEY-CLIENT OR WORK PRODUCT PROTECTION. IF RECEIVED IN ERROR, PLEASE NOTIFY SENDER IMMEDIATELY**

***AND DELETE THIS MESSAGE. THANK YOU FOR YOUR COOPERATION.***

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please delete this message. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company. Finally, the recipient should check this email and any attachments for the presence of viruses. The company accepts no liability for any damage caused by any virus transmitted by this email. [www.sni.org](http://www.sni.org)